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EXAMINER

CALABRESE, MICHAEL A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,574	Applicant(s) HARTEL ET AL.	
	Examiner MICHAEL CALABRESE	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 24-28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24-28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2007/08/24</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A in the reply filed on July 27, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 21 and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 27, 2009. Claims 22 and 23 are also further withdrawn from consideration for being dependent on a withdrawn claim.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on February 13, 2004 and the PCT on May 29, 2004. It is noted, however, that applicant has not filed a certified copy of the International application as required by 35 U.S.C. 119(b).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 33.5 and 33.6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action

Art Unit: 3637

to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The substitute specification filed July 19, 2006 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: The provided marked up sheet does not show the changes in the manner prescribed in section (c) of 37 CFR 1.125. Also, there appears to be no statement explicitly stating the substitute specification includes no new matter. It should be noted, however, that if these issues were to be rectified, it appears the center opening is misnumbered 21.1 on Page 13, Line 7 and Figure number 7b is mislabeled Figure number 1b on Page 17, Line 3 in the substitute specification not entered filed on July 19, 2006.

6. A substitute specification or correction of the deficiencies of the already filed substitute specification is required (without the claims) pursuant to 37 CFR 1.125(a) because the specification is replete with grammatical errors. Also, the preliminary amendments to the Claims have been entered.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the

Art Unit: 3637

immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Objections

7. Claim 9 is objected to because of the following informalities: It appears the "cable introduction recesses" in line 3 has been misnumbered (21.2) instead of (21.1). Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claims 3-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "continuous exterior receiver" is not adequately described.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3637

10. Claims 1-20, 24-28 and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. As for Claim 1, it is unclear what makes a rack "basic" as found in Line 15 of the Claim.

12. Claims 2 recites the limitations "the broad struts", "the depth struts", and "the frame legs" in lines 2-3 of the Claim. There is insufficient antecedent basis for this limitation in the claim. It is recommended the limitations be referred to as "the horizontal broad struts", "the horizontal depth struts", and "the vertical frame legs" respectively.

13. As for Claim 3, the claim recites the limitations "the broad struts" and "the depth struts" in the same manner as Claim 2.

14. The claim recites the limitation "the corner connectors" in line 4. There is insufficient antecedent basis for this limitation in the claim.

15. It is unclear and confusing as presently worded as to what a "continuous exterior receiver is". The specification also does not offer clear guidance as to what this limitation is. Clarification is suggested.

16. As for Claim 4, it is unclear as to if the "a profiled base side" in line 3 of the claim is the same side as the "base profiled sides" in Lines 12-13 of Claim 1.

17. As for Claim 5, it is unclear as to if the "identical fastening receivers" are the same fastening receivers of Claim 4, Lines 3-4. Also, it is unclear as to exactly how the receivers are identical. Are all of the fastening receivers identical in each of the 3

Art Unit: 3637

different sides independently? It is unclear as to what term "graduation" in line 3 means.

18. As for Claim 6, it is unclear how the row of fastening receivers are equal (i.e. sized or shaped) and if the fastening receivers are the same receivers as the receivers previously set forth in Claims 5 for example. Also, it appears the profiled base side already has fastening receivers cut into it as set forth in Claim 5.

19. As for Claim 8, it is unclear if the fastening receivers in Lines 4-5 are of the same set of fastening receivers set forth in the previous claims.

20. As for Claim 9, the claim contains the limitation "the base plates" in Line 2. There is insufficient antecedent basis for this limitation in the claim.

21. Also, it is unclear as to what makes the rack "basic".

22. It does not appear that both of the base plates of the cover elements are above the horizontal broad frame struts of the vertical frames. Perhaps Applicant intends for the word "above" to mean towards the outside of the cabinet in the vertical direction.

23. As for Claim 11, the phrase "on which a cabinet door is hinged and lockable, and a fastened rear wall" is unclear and confusing as presently worded.

24. As for Claim 13, it is unclear as to if the "identical bottom frame", "identical top frame", and "protruding corner connectors" are the same bottom frame, top frame, and corner connectors found in Claim 3.

25. As for Claim 14, it is unclear what an "exterior receptacle" is and if it is the same limitation as the "continuous exterior receiver" of Claim 3.

Art Unit: 3637

26. As for Claims 15-19, it is unclear as to if the limitation "vertical profiled frame elements" is the same limitation as the "vertical frame legs" found in Line 4 of Claim 1.

27. Claim 19 recites the limitation "the free profiled side" in line 4. There is insufficient antecedent basis for this limitation in the claim.

28. As for Claim 20, it is unclear if the "a beveled edge" is the same beveled edge on a circumference of the door found in Claim 1. It is unclear how the hinge elements can rotate if they are fixed against shifting. Also, it is unclear if the "a facing bearing receiver" is part of the set of the bearing receivers of line 4. Lastly, it is unclear as to how a rack is "basic".

29. As for Claim 27, it is unclear if the identical bottom and tops frames are made up of parts found in Claim 1.

30. As for Claim 28, it is unclear as to what makes a rack "basic". Also the claim contains the limitation "the bevel" in line 5. There is insufficient antecedent basis for this limitation in the claim.

31. Claim 30 recites the limitations "the bearing receivers" and "the bevels" in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

32. As for Claim 31, it is unclear as to what makes a rack "basic". The Claim recites the limitations "one of the bearing receivers" and "the bearing bushes" in lines 3-4. There is insufficient antecedent basis for these limitations in the claim.

33. As for Claim 32, it is unclear as to if the "a cabinet rack" found in line 7 is the same as the "a cabinet rack" of Line 3. It is unclear as to if the "the depth strut" of line 7 is the same as the "horizontal depth struts" found in line 4. Also, it is unclear as to what

Art Unit: 3637

makes a rack "basic". Lastly, it is unclear as to what the word "each" refers to in line 10 of the claim. The last two lines of the Claims are unclear and confusing as presently worded.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 1-2, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek (United States Patent No. 6,036,290) in view of Whipps (United States Patent No. 3,563,627).

36. As for Claim 1, as best understood, Jancesek is cited for teaching a switchgear cabinet, comprising: a cabinet rack made of four horizontal broad struts (42a, 42c, 44a, 44c), four horizontal depth struts (42b, 42d, 44b, 44d), and four vertical frame legs (40a-d) of a preset width, a preset depth and a preset height, plate-shaped cover elements (28, 30), vertical frames (52's See Figure 9) made of two vertical profiled frame elements (54) and two horizontal broad frame struts (62), installable in the cabinet rack, and connected with the depth struts (42b, 42d, 44b, 44d) and at least one cabinet door (24; See Figures 1 and 6-8) beveled on a circumference (bevel can be seen in Figures 6-8).

Art Unit: 3637

37. Jancesek does not explicitly state the plate-shaped cover elements having on two opposite sides fastening edges beveled at right angles with at least one row of fastening receivers, and the door hinged to the cover elements.

38. Whipps is cited for teaching a switchgear cabinet having plate-shaped cover elements (12, 80) having on two opposite sides fastening edges (46, 82) beveled at right angles with at least one row of fastening receivers (48, 86; See Figure 1) and a door (30) hinged to the cover elements (12, 80).

39. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek so as to include on the cover two opposite sides fastening edges bevels at right angles with at least one row of fastening receivers, and to hinge the door to the cover elements as taught by Whipps in order to further protect and reinforce the bottom frame of the cabinet and to place less stress on the cabinet frame by supporting the weight of the door on the bottom cover.

40. As for Claim 2, as best understood, Jancesek is cited for further teaching the horizontal broad struts (42a, 42c, 44a, 44c), the horizontal depth struts (42b, 42d, 44b, 44d), and the vertical frame legs (40a-d) of the cabinet rack are formed as sections of respectively identical profiled elements fixedly connected with each other in corner areas of the switchgear cabinet rack by corner connectors (46).

41. As for Claim 24, Jancesek is cited for further teaching the vertical profiled frame elements (54) have a profiled base side (See Figures 3A-B) with at least one row of fastening receivers (See Figures 3A-B) which terminate with the front faces of the horizontal broad vertical struts (62; See Figure 9), and lateral legs are beveled off on

Art Unit: 3637

both sides of the profiled base side which are oriented to the longitudinal sides of the associated horizontal broad frame (62) struts of the vertical frames (52) and are connected.

42. As for Claim 25, Jancesek is cited for further teaching the horizontal broad frame struts (62) and the vertical profiled frame elements (54) of the vertical frames (52) are fixedly connected with each other in the corner areas (See Figure 1).

43. As for Claim 27, as best understood, Jancesek is cited for further teaching the cabinet rack is formed of an identical bottom frame (44a-d) and an identical top frame (42a-d) which face each other with protruding corner connectors (46's) and are connected with each other via the four vertical frame legs (40a) to form the cabinet rack.

44. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 1 above, and further in view of Fontana et al. (Fontana) (WO/01/47080).

45. As for Claim 3, as best understood, Jancesek, as modified by Whipps, is cited for teaching the horizontal broad struts (42a, 42c, 44a, 44c) and the horizontal depth struts (42b, 42d, 44b, 44d) of the switchgear cabinet rack form a solid bottom frame and a solid cover frame (See Figures 1 and 9).

46. Jancesek does not explicitly state the vertical frame legs with the corner connectors form a continuous exterior receiver in the corner areas of the bottom frame and the top frame.

Art Unit: 3637

47. Fontana is cited for teaching a switchgear cabinet having vertical frame legs (10) in conjunction with the corner connectors (20) forming a continuous exterior receiver in the corner areas of the bottom frame and the top frame (See Figures 1 and 2).

48. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, so as to incorporate the corner connector, connecting configuration thereof, and the vertical frame legs with the corner connectors forming a continuous exterior receiver in the corner areas of the bottom frame and the top frame as taught by Fontana, in order to create an easily assembled switchgear cabinet made from interchangeable and easily replaceable parts and to create a switchgear cabinet that does not present a sharp edge to reduce the risk of injury.

49. As for Claim 4, as best understood, Jancesek is cited for further teaching the vertical profiled frame elements (54) have a profiled base side (See Figures 3A-B) with at least one row of fastening receivers (See Figures 3A-B) which terminate with the front faces of the horizontal broad vertical struts (62; See Figure 9), and lateral legs are beveled off on both sides of the profiled base side which are oriented to the longitudinal sides of the associated horizontal broad frame (62) struts of the vertical frames (52) and are connected.

50. As for Claim 5, as best understood, Jancesek is cited for further teaching at least one row of identical fastening receivers is cut in a uniform aligned graduation into the profiled base side and the beveled lateral legs of the vertical profiled frame elements

Art Unit: 3637

(See Figure 3B, See the rows of fastening receivers on each bevel; as best understood, each row, independently has identical fastening receivers).

51. As for Claim 6, as best understood, Jancesek is cited for further teaching at least one row of identical fastening receivers is cut in a uniform aligned graduation into the profiled base side and the beveled lateral legs of the vertical profiled frame elements (See Figure 3B, See the rows of fastening receivers on each bevel; as best understood, each row, independently has identical fastening receivers).

52. As for Claim 7, Jancesek is cited for further teaching the horizontal broad frame struts (62) and the vertical profiled frame elements (54) of the vertical frames (52) are fixedly connected with each other in the corner areas (See Figure 1).

53. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 7 above, and further in view of Ackermann (DE 19837184A1).

54. As for Claim 8, as best understood, Jancesek is cited for further teaching the two vertical frames (52's) are connectible by fastening receivers (See Figure 9, portions that extend into 42b, 42d, 44b, 44d) of the horizontal broad frame struts (54) with the facing tops of the horizontal depth struts (42b, 42d, 44b, 44d) of the cabinet rack at different distances from each other (See Figure 9; frames are capable of being spaced at different distances apart).

55. Jancesek, as modified by Whipps and Fontana, does not explicitly state cable guide openings on the horizontal broad frame struts of the vertical frames.

Art Unit: 3637

56. Ackermann is cited for teaching a switchgear cabinet having horizontal broad frame struts (6) of the vertical frames (6,7) have cable guide openings (See Figure 1, holes in center of 6). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps and Fontana, so as to include cable guide openings on the horizontal broad frame struts of the vertical frames as taught by Ackermann, in order to route cables or wires up through the vertical frames.

57. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps and Ackermann, as applied to claim 8 above, and further in view of Marzec et al. (United States Patent No. 6,238,029)

58. As for Claim 9, as best understood, Jancesek, as modified by Whipps, Fontana, and Ackermann does not explicitly state cable introduction recesses in the base plates of the cover elements in the rack above the horizontal broad frame struts of the vertical frames.

59. Marzec is cited for teaching a switchgear cabinet having cable introduction recesses (48) in base plates of the cover elements (19's) in the top of the rack.

60. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, and Ackermann so as to include cable introduction recesses in the base plates of the cover elements in the rack above the horizontal broad frame struts of the vertical frames as taught by Marzec in order to route cables through a completed enclosure.

61. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, Ackermann, and Marzec, as applied to claim 9 above, and further in view of Kostic (United States Patent No. 5,536,079).

62. As for Claim 10, Jancesek, as modified by Whipps, Fontana, Ackermann, and Marzec, does not explicitly state the fastening edges of the cover elements have connecting strips beveled toward an exterior on free edges and protrude beyond the base plate of the cover elements over the fastening edges and with the connecting strips form receivers for attaching lateral walls on the rack.

63. Kostic is cited for teaching a switchgear cabinet having fastening edges (26) of cover elements (4; See Figures 1, 3a-c, and Col. 3, Lines 15-31) have connecting strips (27) beveled toward an exterior on free edges and protrude beyond the base plate (See Figure 3c) of the cover elements (4) over the fastening edges (26) and with the connecting strips (27) form receivers for attaching lateral walls on the rack (Col. 3, Lines 15-31).

64. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, and Marzec, so as to include fastening edges of the cover elements have connecting strips beveled toward an exterior on free edges and protrude beyond the base plate of the cover elements over the fastening edges and with the connecting strips form receivers for attaching lateral walls on the rack as taught by

Art Unit: 3637

Kostic in order to attach walls to the cabinet outside of the plane of the frame to allow for a greater space to place equipment inside of the cabinet.

65. As for Claim 11, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, does not explicitly state the base plates of the cover elements protrude at the sides extending perpendicularly with respect to the fastening edges and have bevels, on which a cabinet door is hinged and lockable, and a fastened rear wall.

66. Whipps is cited for further teaching the base plate of the cover element (80) protrude at the sides extending perpendicularly with respect to the fastening edges (82) and have a bevels (96; See Figure 1), on which a cabinet door (30) is hinged and lockable, and a rear wall (26) fastened on the rack.

67. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, and Marzec, so as to form the base plates of the cover elements protruding at the sides extending perpendicularly with respect to the fastening edges and have bevels, on which a cabinet door is hinged and lockable, and a fastened rear wall as further taught by Whipps in order to mount the door on the upper and lower covers to more efficiently support the door

68. It also would have been obvious to substitute the bottom cover for a top cover in order to save money by only manufacturing one cover. Also, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *In re Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Art Unit: 3637

69. As for Claim 12, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, does not explicitly state base plates of the cover elements have a center opening and fastening bores in the corner areas.

70. Kostic is cited for further teaching base plates of the cover elements (4) have a center opening (13) and fastening bores (12) in the corner areas (See Figure 1).

71. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, so as to include a center opening and fastening bores in the corner areas of the base plates of the cover elements as further taught by Kostic in order to allow air to pass into the cabinet and electronic equipment to be fastened to the cover.

72. As for Claim 13, as best understood, Jancesek is cited for further teaching the cabinet rack is formed of an identical bottom frame (44a-d) and an identical top frame (42a-d) which face each other with protruding corner connectors (46's) and are connected with each other via the four vertical frame legs (40a) to form the cabinet rack.

73. As for Claim 14, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, does not explicitly state the vertical frame legs of the cabinet rack have a profiled element with a plug-in connection for a plug-in element of the corner connectors, wherein with an exterior contour the profiled element forms the exterior receptacle which is symmetrical with respect to a diagonal plane of the bottom frame, and the top frame.

Art Unit: 3637

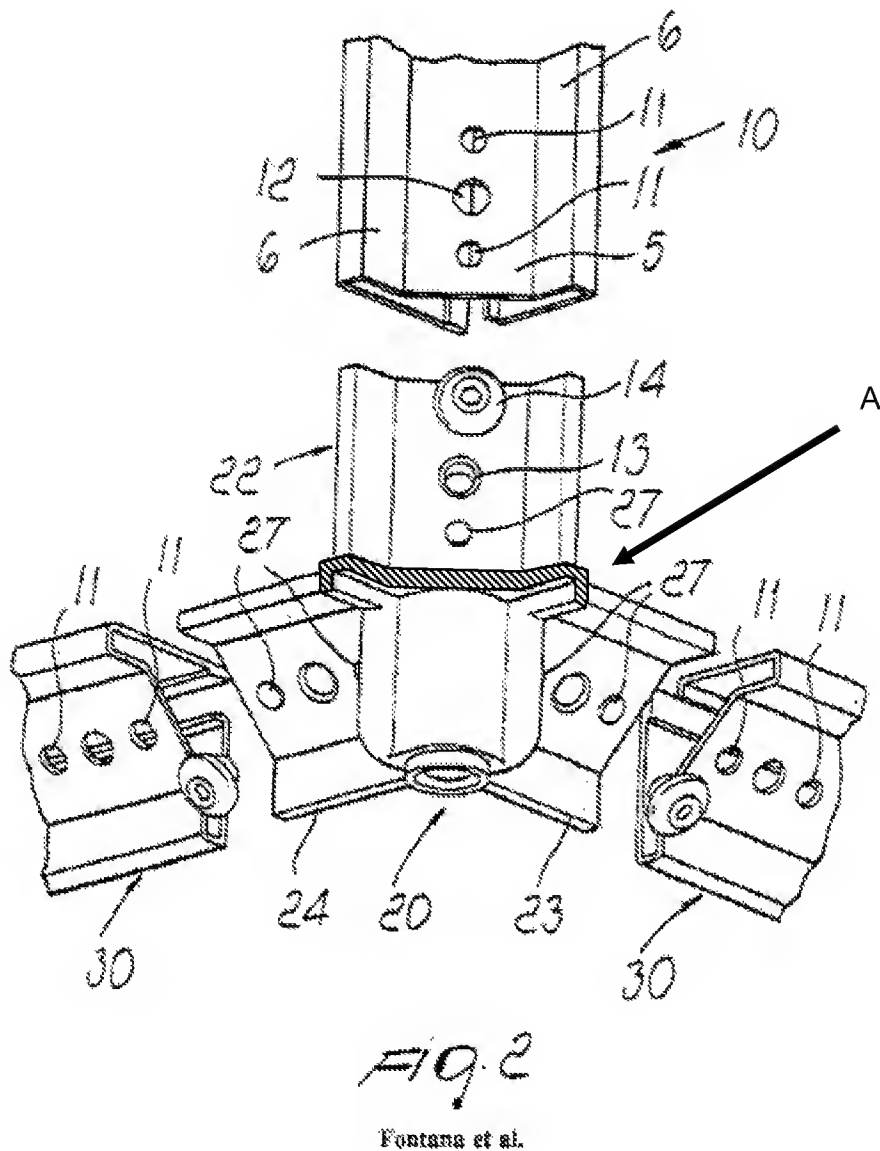
74. Fontana is cited for further teaching the vertical frame legs (10) of the cabinet rack have a profiled element with a plug-in connection (See Figure 2) for a plug-in element (22) of the corner connectors (20), wherein with an exterior contour the profiled element forms the exterior receptacle (See Figure 2; formed in between element 6's) which is symmetrical with respect to a diagonal plane of the bottom frame, and the top frame.

75. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, so as to include the vertical frame legs of the cabinet rack having a profiled element with a plug-in connection for a plug-in element of the corner connectors, wherein with an exterior contour the profiled element forms the exterior receptacle which is symmetrical with respect to a diagonal plane of the bottom frame, and the top frame as further taught by Fontana in order to form a simple plug-in connection for the corner joint of the cabinet that limits the potential danger of a sharp vertical edge.

76. As for Claim 15, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, does not explicitly state the bottom frame and the top frame of the cabinet rack have corner receivers into which the corner connectors are placed with a filler element and connected with one of the bottom frame and the top frame, and with an exterior contour the filler elements of the corner connectors extend the exterior receptacles of the vertical profiled frame element of the cabinet rack beyond the bottom frame and the top frame.

Art Unit: 3637

77. Fontana is cited for further teaching the bottom frame and the top frame of the cabinet rack have corner receivers (inner channels of 30's) into which the corner connectors (23, 24) are placed with a filler element (A; See marked up Figure 2 below) and connected with the bottom frame and the top frame, and with an exterior contour the filler elements (A) of the corner connectors (20) extend the exterior receptacles (area between 6's) of the vertical profiled frame element (10) of the cabinet rack beyond the bottom frame and the top frame.



78. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, so as to include the bottom frame and the top frame of the cabinet rack have corner receivers into which the corner connectors are placed with a filler element and connected with one of the bottom frame and the top

Art Unit: 3637

frame, and with an exterior contour the filler elements of the corner connectors extend the exterior receptacles of the vertical profiled frame element of the cabinet rack beyond the bottom frame and the top frame as further taught by Fontana in order to create a simple and smooth corner connection.

79. As for Claim 16, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, further teaches the front sides of the vertical profiled frame elements (54) of the cabinet rack are connected upright (See Figure 9) with the facing sides of the bottom frame and the top frame and the filler elements of the corner connectors.

80. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, Ackermann, Marzec, and Kostic, as applied to claim 16 above, and further in view of Hartel et al. (Hartel) (DE 20203883U1).

81. As for Claim 17, as best understood, Jancesek is cited for further teaching the vertical profiled frame elements (40a-d) of the cabinet rack form a channel (See Figures 1 and 9) open to the an interior of the cabinet rack, between the bottom frame and the top frame.

82. Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, does not explicitly state the channel being closed by a profiled box, and the profiled box has vertical channels and rows of bores in a cover wall.

Hartel is cited for teaching a switchgear cabinet having a channel being closed by a profiled box (20), and the profiled box (20) having vertical channels (21, channels in

Art Unit: 3637

between 23's; See Figure 3A) and rows of bores (22) in a cover wall (front wall of 20 looking at Figure 3A).

83. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Kostic, so as to include the channel being closed by a profiled box, and the profiled box having vertical channels and rows of bores in a cover wall as further taught by Hartel, in order to route cables through.

84. It also would have been obvious to a person having ordinary skill in the art at the time of the invention to include multiple rows of bores in order to have a greater number of routes in which to route cables. Also, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *In re Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

85. As for Claim 18, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, and Hartel, does not explicitly state the cover wall of the profiled box covers the channel in the vertical profiled frame elements of the cabinet rack, the vertical profiled frame element with covering strips.

86. Hartel is cited for further teaching the cover wall (front wall of 20 looking at Figure 3A) of the profiled box (20) covers the channel (See Figure 3A) in the vertical profiled frame elements (10) of the cabinet rack, the vertical profiled frame element (10) with (in cooperation with) covering strips (11.1; See Figures 3A and 4).

87. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps,

Art Unit: 3637

Fontana, Ackermann, Marzec, Kostic, and Hartel, so as to include the cover wall of the profiled box covers the channel in the vertical profiled frame elements of the cabinet rack, the vertical profiled frame element with covering strips as further taught by Hartel, in order to retain the profiled box in the channel.

88. As for Claim 19, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, Kostic, and Hartel, does not explicitly state a profiled side of the vertical profiled frame section forming the channel supports connecting strips formed on the an exterior of the free profiled side.

89. Hartel is cited for further teaching a profiled side (side 15) of the vertical profiled frame section forming the channel (11; See Figures 3A-4) supporting connecting strips (strips define area 16 in Figure 3B) formed on the an exterior of the free profiled side (side to which reference character 13 points to in Figure 3B).

90. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, Kostic, and Hartel, so as to include a profiled side of the vertical profiled frame section forming the channel supports connecting strips formed on the an exterior of the free profiled side as further taught by Hartel so as to be able to attach electrical equipment to the vertical profiled frame elements.

91. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, Ackermann, Marzec, Kostic, and Hartel, as applied to claim 19 above, and further in view of Hobday (WO 95/17803).

Art Unit: 3637

92. As for Claim 20, as best understood, Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, Kostic, and Hartel does not explicitly state the cabinet door receives hinge elements with hinge bolts, which can be inserted into bearing receivers of the cover elements of the basic rack in the corner areas of the hinge side of the cabinet door, and the hinge bolts are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel of the cover elements against shifting, at least in the a position in which they are engaged with one of a facing bearing receiver and a bearing bushing.

93. Hobday is cited for teaching a switchgear cabinet having a cabinet door (30) which receives hinge elements with hinge bolts (31), which can be inserted into bearing receivers (32) of cover elements (5, 6) of the basic rack in the corner areas (See Figure 1) of the hinge side of the cabinet door (30), and the hinge bolts (31) are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel (See Figure 1) of the cover elements (5, 6) against shifting, at least in a position in which they are engaged with a facing bearing receiver (32) (See Page 10, Paragraph 5, Lines 3-7).

94. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, Fontana, Ackermann, Marzec, Kostic, and Hartel, so as to include the cabinet door having a beveled edge receive hinge elements with hinge bolts, which can be inserted into bearing receivers of the cover elements of the basic rack in the corner areas of the hinge side of the cabinet door, and the hinge bolts are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel of the cover elements

Art Unit: 3637

against shifting, at least in the a position in which they are engaged with a facing bearing receiver as taught by Hobday, in order to create a simple hinge for the cabinet door that does not require a separate hinge mechanism.

95. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 1 above, and further in view of Ackermann.

96. As for Claim 26, as best understood, Jancesek is cited for further teaching the two vertical frames (52's) are connectible by fastening receivers (See Figure 9, portions that extend into 42b, 42d, 44b, 44d) of the horizontal broad frame struts (54) with the facing tops of the horizontal depth struts (42b, 42d, 44b, 44d) of the cabinet rack at different distances from each other (See Figure 9; frames are capable of being spaced at different distances apart).

97. Jancesek, as modified by Whipps, does not explicitly state cable guide openings on the horizontal broad frame struts of the vertical frames.

98. Ackermann is cited for teaching a switchgear cabinet having horizontal broad frame struts (6) of the vertical frames (6,7) have cable guide openings (See Figure 1, holes in center of 6). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, so as to include cable guide openings on the horizontal broad frame struts of the vertical frames as taught by Ackermann, in order to route cables or wires up through the vertical frames.

99. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 1 above, and further in view of Hobday.

100. As for Claim 28, as best understood, Jancesek, as modified by Whipps not explicitly state the cabinet door receives hinge elements with hinge bolts, which can be inserted into bearing receivers of the cover elements of the basic rack in the corner areas of the hinge side of the cabinet door, and the hinge bolts are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel of the cover elements against shifting, at least in the a position in which they are engaged with one of a facing bearing receiver and a bearing bushing.

101. Hobday is cited for teaching a switchgear cabinet having a cabinet door (30) which receives hinge elements with hinge bolts (31), which can be inserted into bearing receivers (32) of cover elements (5, 6) of the basic rack in the corner areas (See Figure 1) of the hinge side of the cabinet door (30), and the hinge bolts (31) are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel (See Figure 1) of the cover elements (5, 6) against shifting, at least in the a position in which they are engaged with a facing bearing receiver (32) (See Page 10, Paragraph 5, Lines 3-7).

102. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps, so as to include the cabinet door having a beveled edge receive hinge elements with

Art Unit: 3637

hinge bolts, which can be inserted into bearing receivers of the cover elements of the basic rack in the corner areas of the hinge side of the cabinet door, and the hinge bolts are adjustable in an axially limited manner in the hinge elements and can be fixed on the bevel of the cover elements against shifting, at least in the a position in which they are engaged with a facing bearing receiver as taught by Hobday, in order to create a simple hinge for the cabinet door that does not require a separate hinge mechanism.

103. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 1 above, and further in view of French (United States Patent No. 4,579,400).

104. As for Claim 30, as best understood, Jancesek, as modified by Whipps, does not explicitly state bearing bushes are inserted into the bearing receivers in the bevels of the cover elements.

105. French is cited for teaching a switchgear cabinet having bearing bushes (80's) inserted into bearing receivers (61, 62) in bevels (58) of cover elements (16, 18) (See Figures 3, 5, and 10).

106. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps so as to include bearing bushes inserted into bearing receivers in the bevels of the cover elements as taught by French in order to smoothly rotate the door on the cover element.

Art Unit: 3637

107. Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek, as modified by Whipps, as applied to claim 1 above, and further in view of Kostic.

108. As for Claim 31, Jancesek, as modified by Whipps does not explicitly state a lock side of the cabinet door has displaceable locking bars which are shifted one of manually and by a rod closing device and are insertable into one of the bearing receivers and the bearing bushes of the bevels of the cover elements of the basic rack, and are removable.

109. Kostic is cited for teaching a switchgear cabinet having a pivotally attached cabinet frame (5) having displaceable locking bars which are shifted manually and are removable (See Col. 2, Lines 25-34).

110. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek, as modified by Whipps so as to include a lock side of the cabinet door having displaceable locking bars which are shifted manually and are removable as taught by Kostic, in order to selectively lock the doors.

111. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jancesek in view of Hobday.

112. As for Claim 32, as best understood, Jancesek is cited for teaching a switchgear cabinet, comprising: a cabinet rack including four horizontal broad struts (42a, 42c, 44a, 44c), four horizontal depth struts (42b, 42d, 44b, 44d), and four vertical frame legs (40a-d), each of a preset width, a preset depth and a preset height, two vertical frames (52's;

Art Unit: 3637

See Figure 9) each including two horizontal broad frame struts (62) and two vertical profiled frame elements (54) installable in a cabinet rack (See Figure 9) and each connectible with the horizontal depth struts (42b, 42d, 44b, 44d), cover elements (28, 30) including a bottom element (30) and a top element (28) and at least one cabinet door (24) beveled on a circumference thereof and hingedly attached on one of the cover elements (28,30).

113. Jancesek does not explicitly state the cover elements including a bottom element and a top element connectible with two spaced-apart of the vertical frames to form an independent basic rack.

114. Hobday is cited for teaching a switchgear cabinet having cover elements (5, 6) including a bottom element (5) and a top element (6) connectible with two spaced-apart vertical frames (2a, 3, 2b, 4 and 2c, 3, 2d, 4) to form an independent basic rack (See Figure 1).

115. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the switchgear cabinet of Jancesek so as to form the switchgear cabinet into a configuration having the cover elements including a bottom element and a top element connecting with two spaced-apart of the vertical frames to form an independent basic rack as taught by Hobday, as this configuration would be of a lesser cost and suitable for cabinet of lesser size and a lesser number of internal components.

Conclusion

116. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

117. Guebre-Tsadik, Waegner (DE10152240), Sevier et al., Hsue et al., Reuter (06/2002), Hartel et al. (06/2002), Walter et al., Benner et al. (01/2001), Reuter (12/2000), Benner et al. (12/2000), Benner et al. (11/2000), Benner et al. (11/2000), Nicolai et al., Benner et al. (08/1999), and Anderson et al. disclose switchgear frames.

118. Fontana et al. (11/2004), Chin et al., Hartel et al. (11/2001), and Krietzman disclose frame connectors.

119. Han, Ho, Leccia et al., and Vincens disclose door hinge mechanisms.

120. Reuter et al. discloses a door locking arrangement for a switchgear cabinet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL CALABRESE whose telephone number is (571)270-7862. The examiner can normally be reached on Monday - Thursday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

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